

by a defendant at sentencing. Indeed, the lessened due process rights are designed to increase the amount of information available at sentencing—such as hearsay—not lessen it. *See Hamad*, 495 F.3d at 246. Mr. Cothren was unable to find an appellate decision from the Sixth Circuit that directly answers the Court’s question and appreciates the Court’s comments about the potentially cumulative nature of the information the alternate juror may have to offer, but he would nonetheless request the opportunity to interview this alternate juror about facts that may be specifically within her personal knowledge.

While the Court may well have already concluded that Mr. Cothren is not a danger to society, Juror #13 may mean something entirely different by that statement. Undersigned counsel seeks to interview this alternate to find out the meaning of her statement and the others listed above. That evidence would go to Mr. Cothren’s character and conduct and, consistent with the above authority, Mr. Cothren should be allowed to present such evidence for the Court’s consideration.

Mr. Cothren understands the Court may impose parameters for such an interview to ensure it does not interfere with the administration of justice, including that the interview take place under the Court’s supervision, if the Motion (Dkt. No. 418) is granted.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was electronically filed with the Clerk on September 11, 2025, and service was made upon the following via CM/ECF and/or by email.

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